

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Christopher Seibel, being duly sworn according to law, depose and state as follows:

INTRODUCTION

1. Your Affiant is a law enforcement officer of the United States, and under 18 U.S.C. § 3051. Your Affiant is empowered by the Attorney General to conduct investigations, enforce criminal, seizure, and forfeiture provisions of the laws of the United States, carry firearms, serve warrants and subpoenas issued under the authority of the United States, make arrests without a warrant for any offense against the United States committed in my presence, and make arrests for a felony offense under the laws of the United States if there are reasonable grounds to believe that the person to be arrested has committed or is committing such a felony.

2. Your Affiant is a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”), and have been since February 11, 2020. Your Affiant has completed the Federal Criminal Investigator Training Program and the ATF Special Agent Basic Training at the Federal Law Enforcement Training Center in Glynco, Georgia; as a result of my training and experience as an ATF Special Agent (SA), your affiant is familiar with Federal criminal laws. In addition to the firearms, arson, and explosives related training received in these courses, Your Affiant has conducted and participated in investigations involving firearms, firearms trafficking and drug trafficking. Your Affiant has participated in narcotics/drug enforcement, and the dismantlement of mid-level to upper-level drug trafficking organizations. Your Affiant has received field training and accrued practical experience in advanced drug-related investigative techniques, which include, but are not limited to, surveillance, undercover operations, interview and interrogation techniques, informant recruitment and control, search warrant and case preparation, and interception and analysis of recorded conversations.

3. Your Affiant has conducted numerous investigations involving the possession, distribution, and trafficking of controlled substances, in addition to the concealment of illicit proceeds from the sale of the controlled substances, violation of Federal firearms and explosives laws, and use of firearms in furtherance of drug trafficking. In conducting these investigations, I have utilized a variety of investigative techniques and resources, including but not limited to surveillance, confidential informants, electronic surveillance, exploitation of telephone and social media data, the interception of wire communications under Title III, interviews, and the review of financial documents.

4. The facts contained in this Affidavit are based upon my personal knowledge of the investigation, in addition to general knowledge, training, and experience, and the observations, knowledge, training, and experience of other officers and agents. All observations referenced below that were not personally made by me, were relayed to me by those who made such observations, either verbally or via reports written by those agents and/or officers.

5. This Affidavit contains information necessary to support probable cause for this application. It is not intended to include each and every fact and matter observed by me or law enforcement or known to the government.

6. The term Confidential Source of Information (CI) used in this Affidavit, includes all subjects whom have provided to law enforcement during the course of this investigation, to include, but not limited to subjects who are working with law enforcement agencies in an official capacity as a CI, victims and/or witnesses to crimes, defendants in criminal proceedings, general citizens who wish to protect their identity while providing information to law enforcement, and/or subjects providing information for consideration on criminal charges yet to be filed. This Affidavit will set forth the parameters under which each identified CI has or is providing information to law

enforcement. Law enforcement surveillance referenced in this Affidavit includes the use of electronic surveillance.

7. Based on the facts set forth in this affidavit, there is probable cause to believe that violations of Title 18 U.S.C. Section 922(o) – Possession of a Machinegun have been committed by D’Aundre FRAZIER.

PURPOSE OF THE AFFIDAVIT

8. Special Agents and Task Force Officers employed by the Bureau of Alcohol, Tobacco, Firearms and Explosives have been conducting an investigation into the distribution of firearms and Machinegun Conversion Devices (MCD) commonly referred to as “Glock switches” by FRAZIER. The investigation has focused on the following:

- a. The possession of a machinegun in violation of 18 U.S.C. § 922(o).

FACTS ESTABLISHING PROBABLE CAUSE

9. Since February 2023, ATF Special Agents (SA) and Task Force Officers (TFO), along with other law enforcement agencies, have been conducting a criminal investigation of FRAZIER regarding violations of Title 18 U.S.C. Section 922(o) - Possession of a machinegun.

10. In February 2023, Your Affiant and ATF SA John Fisher debriefed a Confidential Informant (“CI”) who identified FRAZIER as a firearms trafficker, who supplies various firearms, specifically “Glock switches” or Machinegun Conversion Devices (MCD)’s throughout the Northern District of Ohio. Your Affiant is aware that once a Glock pistol is affixed with an MCD, this then allows the firearm to operate fully automatic, which classifies the firearm as a machinegun. The CI has provided law enforcement colleagues with credible information related to active narcotics and firearms investigations in the Northern District of Ohio. The CI has provided information to law enforcement agents which has been corroborated through independent

means. Information from a CI has been listed in this Affidavit. The CI's information has been corroborated to the extent possible by a debriefing of the CI and law enforcement surveillance.

11. In February 2023, the CI contacted Your Affiant and provided information that the CI was able to reacquaint with a firearms trafficker that the CI knows as "Shy Glizzy", later identified as D'Aundre FRAZIER. The CI stated that FRAZIER is a black male, who has short dreadlocks, and is approximately 22 years old. The CI provided information that FRAZIER utilizes the cellular telephone number of (330-849-1888). Your Affiant queried the telephone number of (330-849-1888) through a law enforcement database which was registered to Darnell OULDS. Your Affiant queried OULDS through Ohio Law Enforcement Gateway (OH-LEG) and Your Affiant obtained a driver's license photo of OULDS. Your Affiant showed the CI the driver's license photo of OULDS, and the CI stated OULDS was not the individual the CI knew as "Shy Glizzy" or FRAZIER. Your Affiant instructed the CI to remain in contact with the cellular telephone number of (330-849-1888) in order to properly identify the user of this cellular phone.

CONTROLLED PURCHASE ON FEBRUARY 23, 2023

12. On February 23, 2023, Your Affiant utilized the CI to conduct a controlled purchase of one (1) Glock, model 30, .45 caliber pistol, bearing serial number BSBW316 and one (1) MCD from FRAZIER at 9101 Kinsman Road, Cleveland, Ohio. Your Affiant instructed the CI to communicate via cellular telephone to cellular telephone number (330-849-1888) and arrange a purchase of MCD's. The CI arranged the purchase of a Glock, model 30 and one MCD on February 23, 2023. The CI placed an outgoing call to (330-849-1888). The user of cellular telephone number (330-849-1888) later identified as FRAZIER, instructed the CI to meet him (FRAZIER) at 9101 Kinsman Road. Your Affiant set up electronic recording equipment and provided the CI pre-recorded government funds to be utilized for the transaction of the firearms. The CI was searched

prior to the controlled purchase and was found to be free of any contraband. Your Affiant and SA Fisher searched the vehicle driven by the CI for contraband, with none being found. The CI departed the pre-determined location followed by ATF SA Fisher and Your Affiant. The CI was followed by law enforcement to 9101 Kinsman Avenue, Cleveland, Ohio. ATF agents observed a silver Dodge Avenger, bearing Ohio license plate JDT-3002, park next to the CI. Your Affiant queried the license plate through a law enforcement database, which returned results that the silver Dodge Avenger, bearing Ohio license plate JDT-3002 was register to D'Aundre FRAZIER. Your Affiant reviewed the driver's license photo of FRAZIER and confirmed it was the same individual driving the silver Dodge Avenger, bearing Ohio license plate JDT-3002.

13. ATF agents observed FRAZIER and the CI get out of each of their vehicles and meet at the rear trunk of the CI's vehicle. During the transaction, FRAZIER provided one (1) Glock, model 30, .45 caliber pistol, bearing serial number BSBW316 and one (1) MCD to the CI in exchange for prerecorded government funds. FRAZIER re-entered the silver Dodge Avenger bearing Ohio license plate JDT-3002 and departed 9101 Kinsman Avenue, Cleveland, Ohio.

CONTROLLED PURCHASE ON APRIL 17, 2023

14. On April 17, 2023, Your Affiant utilized the CI to conduct a controlled purchase of one (1) MCD from FRAZIER. On April 17, 2023, the CI received an incoming call from FRAZIER via cellular phone number (330-849-1888) inquiring if the CI still wanted to purchase the MCD or "Glock switch" from FRAZIER. The CI agreed and directed FRAZIER to meet the CI at 6899 Rockside Road, Independence, Ohio. Your Affiant set up electronic recording equipment and provided the CI pre-recorded government funds to be utilized for the transaction of the firearms. The CI was searched prior to the controlled purchase and was found to be free of any contraband. Your Affiant and ATF SA Eric Madry searched the vehicle driven by the CI for

contraband, with none being found. The CI departed the pre-determined location followed by ATF SA Madry and Your Affiant. The CI was followed by law enforcement to 6899 Rockside Road, Independence, Ohio. ATF SA's observed a white Audi SUV, bearing temporary tag "Q454374", park at 6899 Rockside Road, Independence, Ohio. ATF SA's observed FRAZIER exit the white Audi SUV and enter the CI's vehicle. During the transaction, FRAZIER provided one (1) MCD to the CI in exchange for prerecorded government funds. During the transaction, FRAZIER stated he (FRAZIER) had "two more switches for sale". ATF SA's followed FRAZIER after the sale took place.

15. Your Affiant contacted the Ohio Bureau of Motor Vehicles to verify the registered owner of the white Audi SUV, bearing temporary tag "Q454374". The Ohio Bureau of Motor Vehicles listed the registered purchaser of the vehicle as FRAZIER and Breasia Vanitzan with a listed address of 1658 West Royalton Road, Apartment 7, Broadview Heights, Ohio.

CONTROLLED PURCHASE ON JUNE 7, 2023

16. On June 7, 2023, Your Affiant utilized the CI to conduct a controlled purchase of one (1) Glock, model 29, 10mm pistol, bearing serial number BEVB430 and one (1) MCD from FRAZIER. On June 7, 2023, the CI called FRAZIER at cellular phone number (330-849-1888) inquiring if FRAZIER was still available to meet with the CI to purchase the Glock, model 29, 10mm pistol affixed with the MCD or "Glock switch". FRAZIER told the CI he (FRAZIER) was available and could meet the CI in about ten minutes. The CI agreed to meet FRAZIER at 6899 Rockside Road, Independence, Ohio. Your Affiant set up electronic recording equipment and provided the CI pre-recorded government funds to be utilized for the transaction of the firearms. The CI was searched prior to the controlled purchase and was found to be free of any contraband. Your Affiant and ATF SA John Laurito searched the vehicle driven by the CI for contraband, with

none being found. The CI departed the pre-determined location followed by ATF SA Laurito and Your Affiant. The CI was followed by law enforcement to 6899 Rockside Road, Independence, Ohio.

17. ATF SA's and TFO's observed a white Audi SUV, bearing temporary tag KBE-6089, park at 6899 Rockside Road, Independence, Ohio. The white Audi SUV was the same make and model which ATF SA's and TFO's previously observed FRAZIER driving in April 2023. ATF SA's observed FRAZIER exit the white Audi SUV and enter the CI's vehicle. During the transaction, FRAZIER provided one (1) Glock model 29, 10mm pistol, bearing serial number BEVB430 affixed with a MCD to the CI in exchange for prerecorded government funds. During the transaction, the CI stated he/she had additional money to purchase another MCD if FRAZIER had another MCD for sale. FRAZIER stated he did not bring any other MCD's on his person currently. However, he (FRAZIER) could run and grab more. The CI stated he/she would like to purchase another MCD. FRAZIER stated he (FRAZIER) would leave to grab the MCD and come right back to complete the sale. ATF SA's conducted a surveillance follow on FRAZIER. ATF SA's observed FRAZIER depart 6899 Rockside Road, Independence, Ohio and traveled to a residence in Cleveland, Ohio. ATF SA's observed FRAZIER exit the white Audi SUV, bearing temporary tag KBE-6089 and enter the front door of the residence. About 15 minutes later, ATF SA's and TFO's observed FRAZIER exit the front door of the home and enter the driver's seat of the white Audi SUV, bearing Ohio license plate KBE-6089. ATF SA's and TFO's followed FRAZIER. FRAZIER departed the first residence and traveled to a second residence. ATF SA Joshua Snyder observed FRAZIER park the white Audi SUV in front of the residence and enter the front door of the residence. About five minutes later, SA Snyder observed FRAZIER exit the front door of the home with a white object in FRAZIER's hand. ATF SA Snyder observed

FRAZIER enter the white Audi SUV and depart the residence. ATF SA's and TFO's observed FRAZIER travel to the original location where FRAZIER had met and sold the firearm and MCD to the CI earlier that same day. ATF SA's and TFO's observed FRAZIER arrive at the first predetermined location and meet with the CI. During the transaction, FRAZIER provided the CI another MCD which was wrapped in a white napkin in exchange for prerecorded government funds. Your Affiant reviewed the video recording footage from the controlled purchase on June 7, 2023. During the recording, Your Affiant observed FRAZIER hand the CI a white napkin with which the MCD was wrapped in. The napkin similarly resembled the white object which ATF SA's observed in FRAZIER's as FRAZIER exited the front door of the second residence.

18. During the transaction, the CI inquired how many MCD's FRAZIER could get the CI. FRAZIER stated to the CI, "How many do you need? Yeah, I have ten (10) of them right now." "I'm about to go pick up two (2) more, because I got somebody else about to buy two, so let me know". ATF SA's and TFO's conducted a surveillance follow on FRAZIER from 6899 Rockside Road, Independence, Ohio to 9871 KINGSBURY BOULEVARD, CLEVELAND, OHIO. ATF SA's and TFO's observed FRAZIER enter the residence of 9871 KINGSBURY BOULEVARD, CLEVELAND, OHIO. The black GMC Yukon, bearing Ohio license plate PLR-3332 which was registered to Darnell OULDS, was parked in the driveway of 9871 KINGSBURY BOULEVARD, CLEVELAND, OHIO during this time. Surveillance was terminated.

19. On June 7, 2023, Your Affiant conducted a license plate query in a law enforcement database to verify the registered owner of the white Audi SUV, bearing Ohio license plate KBE-6089. Results indicated a registered owner of Breasia Vanitzan with a listed address of 1658 West Royalton Road, Apartment 7, Broadview Heights, Ohio. Breasia Vanitzan was also listed as the registered purchaser, along with FRAZIER back in April 2023, when the white Audi SUV, had a

temporary tag “Q454374”. Based off Your Affiants training and experience narcotics traffickers and firearms traffickers will often mask the ownership identity of the suspect’s assets by placing certain assets in the names of family members, significant others and friends in an attempt to thwart law enforcement efforts.

SHIPMENTS TO 9871 KINGSBURY BOULEVARD, CLEVELAND, OHIO

20. On April 27, 2023, Your Affiant contacted Homeland Security Investigations (HSI) SA Wesley Clark to inquire if the 9871 KINGSBURY BOULEVARD, CLEVELAND, OHIO received any international parcels to the residence. HSI SA Clark conducted a query on the 9871 KINGSBURY BOULEVARD, CLEVELAND, OHIO and revealed 118 international parcels from China that were sent to 9871 KINGSBURY BOULEVARD, CLEVELAND, OHIO between May 2010 and April 2023. HSI SA Clark noticed an international parcel which arrived at 9871 Kingsbury on April 26, 2023, which was addressed to Ravyn Dukes. Based off Your Affiant’s training and experience, it is common for MCD’s to be illegally manufactured and exported via international parcel from China. Based off Your Affiants training and experience it is common for illegal items traveling via parcel to not be in the true recipient’s name to evade law enforcement detection of that illegal item.

NATIONAL INTEGRATED BALLISTIC INFORMATION NETWORK LEAD

21. The National Integrated Ballistic Information Network (NIBIN) compares images of submitted ballistic evidence from shooting scenes and recovered firearms and in turn produces a list of possible similar results. Trained NIBIN technicians then conduct a correlation review of these results, identifying NIBIN leads or potential links or associations from the same firearm. When a link or association is made between ballistic evidence, and a prior shooting event, a NIBIN

Enforcement Support System (NESS) crime gun Identification Number (ID) is generated and information is sent to law enforcement investigators for follow-up investigation.

22. On June 11, 2023, Your Affiant received a NIBIN lead related to the Glock, model 29, 10mm pistol bearing serial number BEVB430 affixed with a MCD. This firearm was purchased by the CI from FRAZIER on June 7, 2023. The firearm was linked to a shooting which occurred at 3640 East 133rd Street, Cleveland, Ohio on June 6, 2023 (Cleveland Division of Police Report Number 2023-00165871). The 10mm shell casings recovered by Cleveland Division of Police Officers at the scene on June 6, 2023, were linked via NIBIN to the firearm the CI purchased (i.e., the Glock, model 29, 10mm pistol bearing serial number BEVB430 affixed with a MCD) from FRAZIER on the following day. Based on Cleveland Division of Police Report Number 2023-00165871, the shooting on June 6, 2023, at 3640 East 133rd Street, Cleveland, Ohio occurred approximately 11 hours prior to when the CI purchased the aforementioned firearm at 6899 Rockside Road, Independence, Ohio on June 7, 2023. The linked casings generated a lead from the NESS for Crime Gun ID # 773-22-003325.

23. NESS Crime Gun ID #773-22-003325 reported a link between the Glock, model 29, 10mm pistol bearing serial number BEVB430 affixed with a MCD purchased on June 7, 2023, to the shooting which occurred at 3640 East 133rd Street, Cleveland, Ohio on June 6, 2023. Your Affiant reviewed Cleveland Division of Police Report Number 23-165871 which detailed the shooting at 3640 East 133rd Street, Cleveland, Ohio on June 6, 2023. The report stated On June 6, 2023, Cleveland Division of Police Officers responded to the area of 3640 East 133rd Street after being alerted of a Shot Spotter indication at that location. As the Cleveland Division of Police Officers canvassed the area, nine (9) 10mm shell casings were recovered which were linked to the Glock, model 29, 10mm pistol bearing serial number BEVB430. As Cleveland Division of Police

Officers remained on scene, a witness told Officers that “he heard gunfire and that a dark SUV had fled north bound on East 133rd Street”. Cleveland Division of Police Officers also located 9mm shell casings at 3640 East 133rd Street, Cleveland, Ohio.

24. Your Affiant believes probable cause exists to believe the dark SUV observed by the witness fleeing the crime scene could be the black GMC Yukon, bearing Ohio license plate PLR-3332 which ATF SA’s and TFO’s observed on multiple occasions parked in the driveway of the 9871 KINGSBURY BOULEVARD, CLEVELAND, OHIO which FRAZIER traveled to following each controlled purchase.

25. The Glock, model 29, 10mm pistol bearing serial number BEVB430 affixed with a MCD was also linked to a felonious assault shooting in Cleveland Heights (Cleveland Heights Report Number 23-01460). On April 19, 2023, Cleveland Heights Police Officers were dispatched to the area of 2071 North Taylor Road, Cleveland Heights, Ohio for a male shot in the back. While Officers canvassed the scene, Officers received information that another male (Darnell OULDS) arrived at Metrohealth Hospital to be treated for a gunshot wound. During the incident, Darnell OULDS was arrested and charged for Felonious Assault by Cleveland Heights (Case number CR-23-680583). The Cleveland Heights Report Number 23-01460 lists Darnell OULDS, Rahim OULDS, and William WIMBERLY as suspects in the felonious assault shooting. Darnell OULDS was released from Cuyahoga County Jail on April 27, 2023, on supervised release.

BACKGROUND ON SHOT SPOTTER

26. ShotSpotter is a patented system of sensors, algorithms and artificial intelligence that accurately detects, locates, and alerts police to gunfire.

27. ShotSpotter has three primary components: Acoustic sensors, a Location Server application, and the ShotSpotter user interface. Acoustic sensors are deployed in geographic areas

that are designed by the customer. The ShotSpotter Location Server is operated by ShotSpotter, Inc. and runs on a virtual server hosted at a remote facility, and the ShotSpotter user interface runs in the customer's desktop browser or as a mobile device app.

28. Acoustic sensors are placed on fixtures like buildings and lampposts throughout a neighborhood. Each sensor is triggered by impulsive sounds in its environment, such as gunshots. The acoustic measurements of these impulsive sounds and the exact time that they were detected are transmitted to the Location Server as possible gunshots. The Location Server analyzes the data received and determines if the impulsive sound can be geographically located and classified as gunfire. If the impulsive sound can be located and classified as gunfire, Location Server reports the incident to the ShotSpotter Incident Review Center where, if a confidence threshold is met, the incident is automatically published to the customer. Otherwise, a human operator reviews the incident for classification accuracy. The reviewed incident is then published to the customer's user interface. The user interface, whether it is an installed PC based application, a desktop web browser-based app, Android app, or iOS app, provides an actionable view of the incident with an emphasis on the time and location that the incident occurred. Gunfire incidents are typically detected, located, classified, reviewed, and published to the customer within sixty seconds.

29. The firing of a gun or an explosive device creates a loud, impulsive sound that, under optimum environmental conditions, can be detected above urban background noise up to two miles away from the firing incident location. Thus, the operation of ShotSpotter is understandably subject to the laws of physics and acoustic propagation.

30. ShotSpotter detects and accurately geo-locates (provides latitude and longitude) 90% of detectable outdoor incidents within the coverage area, accurate to within a radius of twenty-five meters (82ft) from the actual discharge location. ShotSpotter determines the precise location

of the gunshot based on the amount of time it takes for the gunshot to travel to each individual sensor, effectively triangulating the sound.

31. ShotSpotter, Inc. does not guarantee 100% detection because real world environments may contain intervening buildings, topography, foliage, periods of increased traffic or construction noise, and other urban acoustic noises that may either prevent the sound of a gunshot from being detected by the sensor(s) or may change or modify the audio characteristics of the sound of a gunshot so that it no longer matches the sensor(s) detection parameters. Other factor, such as obstructed or attenuated muzzle blast, weapon discharge in, or from an enclosed space, or if the weapon discharged is of .25 or smaller caliber, may also prevent the sensor(s) from detecting all, or only some of the shots fired.

SHOT SPOTTER ALERT

32. A Shot Spotter report dated June 6, 2023, indicates that at approximately 10:07 PM, Shot Spotter detected 20 gunshots on the street in front of 3640 East 133rd Street, Cleveland, Ohio.

33. The Shot Spotter Alert ID 476-197324 indicated the alert was fully automatic fire.

34. Therefore, Your Affiant believes probable cause exists to believe the firearm used in the shooting at 3640 East 133rd Street, Cleveland, Ohio was the Glock, model 29, 10mm pistol, bearing serial number BEVB430 affixed with a MCD which allowed the firearm to operate fully automatic.

ATF FIREARMS TECHNOLOGY CRIMINAL BRANCH REPORT OF TECHNICAL EXAMINATION

35. Your Affiant sent the MCD or “Glock switch” purchased by the CI on February 23, 2023, from FRAZIER to the ATF Firearm Technological Criminal Branch (FTCB) for analysis

and determination. The ATF FTCB report 2023-716-NKC-326016 determined the MCD purchased by the CI from FRAZIER is a machinegun as defined in 18 U.S.C 921(a)(24).

36. Your Affiant sent ATF FTCB images of the purchased evidence on June 7, 2023. The ATF FTCB provided verbal determination that the Glock model 29, 10mm pistol, bearing serial number BEVB430 and one (1) MCD purchased from FRAZIER are machineguns as defined in 18 U.S.C 921(a)(24)

37. On June 13, 2023, Your Affiant received a report and video from Cuyahoga County Prosecutors Office Investigators test firing the Glock, model 29, 10mm pistol, bearing serial number BEVB430. The firearm operated fully automatic.

NATIONAL FIREARMS REGISTRATION AND TRANSFER RECORD
SYSTEM

38. ATF Industry Operations Investigators queried FRAZIER through the National Firearms Registration and Transfer Record System to verify if FRAZIER lawfully possessed registered MCD's. Results indicated FRAZIER did not possess any National Firearms Act (NFA) firearm registrations, nor could any be found for any residents of the two addresses mentioned above which FRAZIER frequented.

CONCLUSION

39. Based on my training and experience, Your Affiant believes and asserts there is probable cause to believe FRAZIER violated Title 18 U.S.C. §922(o), Possession of a machinegun.

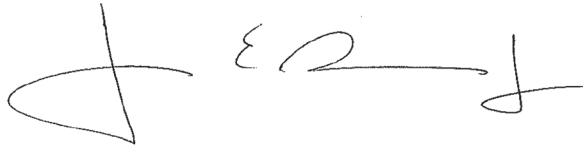
40. I declare under penalty of perjury that the statements above are true and correct to the best of my knowledge, information, and belief.

41. The above violations were committed in the Northern District of Ohio, Eastern Division. Your Affiant requests that an arrest warrant be issued for FRAZIER.



Christopher Seibel
Special Agent
Bureau of Alcohol, Tobacco, Firearms and
Explosives

Sworn to via telephone after submission by reliable electronic means Fed. R. Crim. P. 4.1 and 41(d)(3) this 16th day of June, 2023



James E. Grimes Jr., United States Magistrate Judge